

**United States District Court
Central District of California**

UNITED STATES OF AMERICA vs.

Docket No. CR04-615 CBMDefendant ANDREW K. PROCTORSocial Security No. 2 3 9 4

akas: _____

(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
Jan.	11	2005

COUNSEL☒**WITH COUNSEL**Ellyn Garofalo, retained

(Name of Counsel)

PLEA☒**GUILTY**, and the court being satisfied that there is a factual basis for the plea. ☐**NOLO
CONTENDERE**☐**NOT
GUILTY****FINDING**

There being a finding/verdict of ☐ **GUILTY**, defendant has been convicted as charged of the offense(s) of:
18 USC 371, 1343, 1346; 15 USC 78j(b) and 78ff; and 17 CFR 240.10b-5: Conspiracy to Commit Wire and Securities Fraud (Count 1), Class D Felony

**JUDGMENT
AND PROB/
COMM
ORDER**

The Court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby ordered to pay a fine to the United States in the sum of \$20,000, which shall bear interest as provided by law.

It is ordered that the fine shall be paid during the term of supervision.

The defendant shall comply with General Order No. 01-05.

It is adjudged that the defendant be and is hereby placed on probation for a period of Three (3) Years, under the following terms and conditions:

1. comply with the rules and regulations of the U. S. Probation Office and General Order 318; 2. during the period of community supervision the defendant shall pay the special assessment and fine in accordance with this Judgment's orders pertaining to such payment; 3. the defendant shall not be employed in any position that requires licensing and/or certification by any local, state or federal agency without prior approval of the Probation Officer; 4. the defendant shall not engage, as whole or partial owner, consultant, employee, in any business involving the sale or trade of securities, loan programs, telemarketing activities, investment programs, or any business involving the raising of capital without the express approval of the Probation Office prior to engagement in such employment. Further, the defendant shall provide the Probation Officer with access to any and all business records, client lists and other records which are in the custody and control of the defendant, pertaining to the operation of any business owned, in whole or in part, by the defendant, as directed by the Probation Officer; (5) the defendant shall provide the Probation Officer with the name, address, and phone number of every person or entity from whom the defendant receives monetary compensation; 6. The defendant shall not lease, rent, use, or otherwise maintain any storage shed, commercial property, residential property, other than his residence, or any mailbox or post office box, other than at his residence without first obtaining the approval of the Probation Officer; 7. the defendant shall identify to the Probation Officer all telephone numbers and cellular telephones and cellular telephone accounts used by him; the defendant shall not lease, purchase, use, possess, or otherwise maintain any additional telephone number, cellular telephone account or cellular telephone without first obtaining the prior approval of the Probation Officer; and 8. the defendant is placed on home confinement for a period of Six (6) Months without electronic monitoring and the defendant may leave his home with the approval of the Probation Office to attend church services, for employment purposes, for medical emergencies and to transport his children to and from school or to and from school activities. The defendant may travel outside of the Central District of California on the condition that the defendant first notify the U. S. Probation Office of his travel plans, including the duration of the trip and where the defendant will be residing while on his trip. It is further ordered that the defendant shall pay to the United States a special assessment of \$100, which shall be paid immediately or may be paid during the term of probation.

In the interest of justice, Count 2 of the Indictment is dismissed and the defendant's bond is ordered exonerated.

The Court further orders that the defendant's passport be released to the defendant.

It is further ordered that the defendant keep the 9th Circuit advised of his current address.

The defendant was advised of his right to appeal.

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The drug testing condition mandated by statute is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

It is further ordered that the payment of the fine be deferred for a period of Six (6) Months.

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U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

Date

4/7/05

 U. S. District Judge/Magistrate Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Sherri R. Carter

Filed Date

4/7/05

By

Deputy Clerk



The defendant shall comply with the standard conditions that have been adopted by ¹⁰⁰²the court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

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1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;

10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

☐ The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

USA vs. ANDREW K. PROCTORDocket No.: CR04-615 CBM**SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE**

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____
 Defendant noted on appeal on _____
 Defendant released on _____
 Mandate issued on _____
 Defendant's appeal determined on _____
 Defendant delivered on _____ to _____
 at _____
 the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By _____
 Deputy Marshal

Date _____

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

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Filed Date

Deputy Clerk

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

(Signed) _____
Defendant

Date _____

U. S. Probation Officer/Designated Witness

Date _____